

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MORAN INDUSTRIES, INC.)	
)	
Plaintiff,)	No. 07 C 6171
v.)	
)	
JOHN HEIDEMAN and KILIMANJHARO)	
EQUITY INVESTMENTS, LLC,)	
)	
Defendants.)	

MOTION TO STAY CASE UNTIL RESOLUTION OF STATE COURT PROCEEDINGS

NOW COMES the Defendants, JOHN HEIDEMAN and KILIMANJHARO EQUITY INVESTMENTS, LLC, by their attorneys, THE MACK LAW GROUP, PC, and moves this Honorable Court to Stay the Case until the Resolution of State Court Proceedings in the State of Texas. In support of said motion, the Defendants state as follows:

1. Plaintiff in this case, Moran Industries, Inc. filed its Complaint in this proceeding on or about November 1, 2007.
2. Plaintiff's suit against the Defendants purportedly involves enforcement of Plaintiff's rights relative to a franchise agreement and promissory note-neither of which was attached to the Complaint.
3. Plaintiff's suit in this matter fails to make mention of a lawsuit filed on or about June 1, 2007 by Defendants, John Heideman and Kilimanjharo Equity Investments, LLC, against Moran Industries in the District Court of Montgomery County, Texas. The aforementioned Texas litigation likewise involves the party's rights relative to a certain franchise agreement and promissory note, which is the subject of Plaintiff's claims here. A copy of the Plaintiff John Heideman and Kiliminjahro Equity Investments, LLC, Original Petition and First Amended Petition is attached hereto as Exhibits A and B.
4. Moran Industries, Inc. filed a Motion to Dismiss or Stay for Forum Non Conveniens the Texas lawsuit filed by John Heideman and Kilimanjharo Equity Investments, LLC. A copy of Moran Industries Motion to Dismiss is attached hereto as Exhibit C.

5. In response to Moran Industries, Inc.'s Motion to Dismiss or Stay for Forum Non Conveniens, John Heideman and Kilimanjaro Equity Investments, LLC submitted an Affidavit of John Heideman illustrating how the majority of business, transactions, contracts and real estate were either located in Texas and/or took place in Texas. A copy of the Affidavit of John Heideman is attached hereto as Exhibit D.

6. Moran Industries, Inc.'s Motion to Dismiss was denied by the District Court of Montgomery County, Texas. A copy of the District Court of Montgomery County, Texas' Order denying Moran Industries, Inc.'s Motion is attached hereto as Exhibit E.

7. Pursuant to *Colorado River Water Conservation District v. United States*, 424 U.S. 800, 817 (1976), this matter must be stayed because there are concurrent state and federal actions that are parallel.

8. The parties' interests at stake in this matter are nearly identical to the interests at stake in the pending matter in the District Court of Montgomery County, Texas.

9. Furthermore, the parties in this matter and in the District Court of Montgomery County, Texas matter seek similar remedies.

10. Defendants' Memorandum of Law in Support of the Motion to Stay Case until Resolution of State Court Proceedings is filed in support hereof.

WHEREFORE, the Defendants, JOHN HEIDEMAN and KILIMANJARO EQUITY INVESTMENTS, LLC, respectfully request that this Honorable Court grant their motion to Stay Case until Resolution of State Court Proceedings, and for any further relief this Honorable Court deems fair and just.

Respectfully Submitted,
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Certificate of Service

I hereby certify that on January 28, 2008, a copy of foregoing DEFENDANT'S MOTION TO STAY was filed electronically. Notice of this filing will be sent by operation of the Court's Electronic Filing System to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

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